

# EXHIBIT 1

STATE OF MICHIGAN  
IN THE PROBATE COURT FOR CHIPPEWA COUNTY

In the Matter of: Shellsea Blair Lefebvre-Schiel

Case No.: 15-27147-DE

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MOTION AND ORDER TO DISQUALIFY JOSE LEFEBRE AS HEIR OR BENEFICIARY  
OF CIVIL LITIGATION PROCEEDS

NOW COMES Personal Representative Michelle Lefebvre and motions the court to enter an order disqualifying Jose Lefebvre-Toro as an heir or beneficiary of any civil litigation proceeds that may be received by the estate on behalf of Shellsea Blair Lefebvre-Schiel as a result of now pending civil litigation as follows:

1. Shellsea Blair Lefebvre-Schiel was killed on September 21, 2014 by the unexpected discharge of her father's Remington Model 700 bolt action hunting rifle. The rifle was purchased new in 2011 and used infrequently during the hunting seasons of 2012 and 2013.
2. Remington Model 700 rifles manufactured from 2006 thru April 2014 used the XMP fire control trigger. Remington received a considerable number of consumer complaints in post-2006 years describing how these rifles fired without anyone pulling the trigger. The unintended discharges in some unfortunate incidents caused injury and death.
3. Remington dragged its feet for years refusing to recognize that its trigger design and assembly process was flawed, but not before 2,500,000 of these dangerous rifles had been sold to unsuspecting sportsman. Shellsea's father was one who had no idea his rifle was dangerously unpredictable and under certain circumstances could fire without a trigger pull.

4. Remington published a Warning and Notice of Recall in April 2014. A copy is attached. Unfortunately publication of the warning was grossly ineffective and basically limited to not much more than posting on the Remington website. Mr. Lefebvre never saw the warning or otherwise learned of it.
5. Mr. Lefebvre took 12-year old Shellsea to Drummond Island on September 20<sup>th</sup> for the DNR sponsored annual early season youth deer hunt. They were joined by another young hunter and her adult brother. A license was purchased.
6. Shellsea shot a doe on the 20<sup>th</sup>. It was properly tagged and hung.
7. Mr. Lefebvre was a 100% disability retired US Coast Guard medical corpsman. He was under the impression that his disability status would allow him to hunt deer from his vehicle, but not shoot from inside. He was not aware that it was illegal to transport a loaded rifle in his vehicle.
8. Mr. Lefebvre went "road hunting" the morning of the 21<sup>st</sup>. He placed his loaded rifle inside the front passenger's section of his 4-door pickup with the buttstock on the passenger's floorboard and the muzzle facing up and back. He made sure the rifle safety lever was in the "safe" position. Unbeknownst to him, it is believed that the safety lever snagged a phone charging chord as the rifle was positioned causing the safety lever to move into the "fire" position.
9. Mr. Lefebvre returned to camp. At noon, the group decided to drive into town for lunch. Shellsea got into the rear seat behind her father. The adult friend sat in the front passenger's seat with the other young girl seated behind her brother. The plan was for all to look for a deer as the truck proceeded along the dirt road. The other girl had not as yet taken an animal. The rifle was positioned exactly where Mr. Lefebvre positioned it earlier

that morning. The plan was to unload the rifle when the main highway intersection was reached.

10. No one touched the rifle. No one expected the rifle to fire without a trigger pull. The rifle unexpectedly discharged with the bullet striking Shellsea in the head instantly killing her.

11. Had Remington not built a dangerous product and if it had effectively published and broadcast the recall warning in April and regularly and often in the months leading to the hunting season (as it finally did in December two months after Shellsea was killed), Mr. Lefebvre would have heeded the warning and not brought the rifle to camp that weekend.

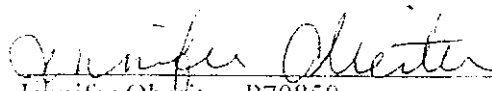
12. Michelle Marie Lefebvre has been appointed representative of her daughter's estate. She has recently filed a wrongful death action against Remington Arms in the U.S District Court.

13. As a result of the incident, Mr. Lefebvre was convicted upon entry of a plea in the 91st District Court of one count of Attempted Possession of a Loaded Firearm and one count of Attempted Discharge of a Fire Arm Causing Death. He was sentenced on 3/29/2017 and is on probation.

14. Mr. Lefebvre continues to suffer overwhelming grief. Although he is an heir to his daughter's estate, he wants nothing of any proceeds that may be recovered from the suit. His executed waiver and consent to the terms of this motion is attached.

THEREFORE, Personal Representative, Michelle M. LeFebvre, requests that this Honorable Court enter an order barring Jose LeFebvre-Toro from any claim to any settlement funds or other assets that may at any point become payable to the estate of Shellsea Blair LeFebvre-Schiel.

Dated: 10/12/2017



Jennifer Obreiter, P70850

Attorney for Michelle LeFebre Personal Rep.

ORDER TO DISQUALIFY JOSE LEFEBRE AS HEIR OR BENEFICIARY OF CIVIL  
LITIGATION PROCEEDS

Based upon the pleadings and with the consent of the heir, Jose Lefebre-Toro, the Probate Court for Chippewa County hereby bars Jose LeFebre-Toro from any further claims upon the estate of Shellsea Blair Lefebre-Schiel.

Dated: 11/08/17



Hon. Eric G. Blubaugh, P55427